



*Planning Proposal 22/001*

# **» Additional Permitted Use Racecourse Road Ballina**

February 2023 (v1 Concept)



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# 1 Introduction

## Overview

This landowner-initiated planning proposal (PP) amends Ballina Local Environmental Plan 2012 by adding a new Additional Permitted Use item in Schedule 1, to allow recreation facility (indoor) as a land use permissible with consent on land known as Lot 1 DP 812651, Racecourse Road, Ballina.

The Additional Permitted Use amendment would facilitate the landowner's proposal to construct a gymnastic-focused recreation facility on the property.

The proposal would involve the construction of a new building located behind the existing one on-site. Because the land is flood-prone, the development would require filling of that part of the land.

## Subject Land

This PP relates to Lot 1 DP 812651, located at 34 Racecourse Road, Ballina.



**Figure 1 Site Location**

The land has an area of 3,604m<sup>2</sup>. As shown below, it contains a main building located toward the Racecourse Drive frontage, which appears to have been originally constructed as stables, now used as a residential dwelling, as well as a number of outbuildings.

A 5m wide right-of-carriageway exists along the northern property boundary, connecting the lot and the two lots adjoining to the west, to the racecourse land immediately to the east.





**Figure 2 The Site**

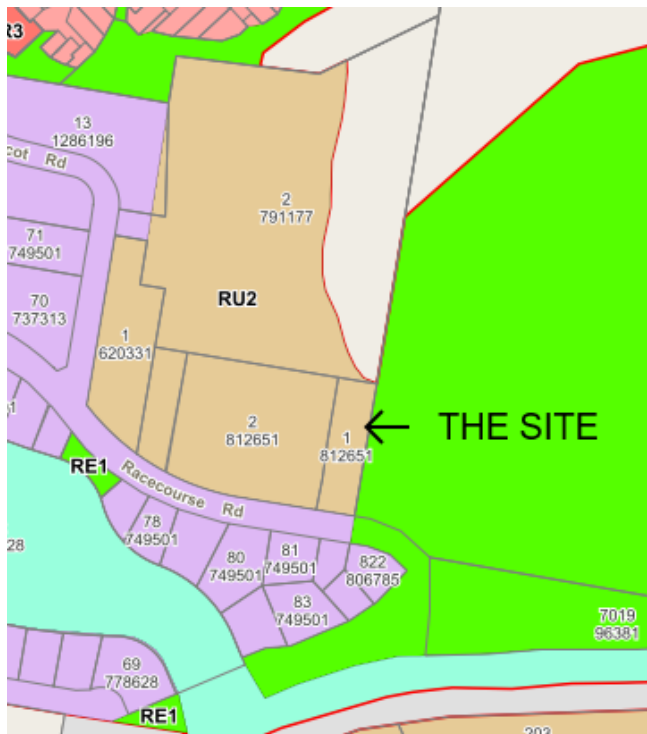
The immediate locality consists of various equine-related uses, including stables, veterinary facilities, and the like, as well as several dwelling-houses. The Ballina Jockey Club and racecourse is located immediately to the east and the Southern Cross Industrial estate is to the west.

The property is zoned RU2 Rural Landscape under Ballina LEP 2012. The racecourse property to the east is zoned RE1 Public Recreation, while the properties on the southern side of Racecourse Road, directly opposite the subject property, are zoned IN1 General Industrial (see **Figure 3**).

The landowner is proposing to construct a gymnastic-focused recreation facility on the property. Such a facility is defined as recreation facility (indoor), which means:

*a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club*

Recreation facility (indoor) is a permissible land use in the IN1 zone and in the RE1 zone, but is prohibited in the RU2 Rural Landscape zone.



**Figure 3 Zoning**

## Council Resolutions

TBA

## Gateway Determination

TBA

# 2 Planning Proposal

Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* (the Act) outlines requirements that must be provided for when preparing PPs. The following sections provide details of the PP as it relates to Section 3.33(2) of the Act.

## Part 1 – Objectives or Intended Outcomes

The intended outcome is to amend Schedule 1 of Ballina LEP 2012, to make a recreation facility (indoor) a land use permissible with consent on the subject land.

## Part 2 – Explanation of Provisions

The PP will amend Schedule 1 of Ballina LEP by adding the following item:

### **13 Use of certain land at 34 Racecourse Road, Ballina Shire Council**

- (1) *This clause applies to land at 34 Racecourse Road, Ballina, being Lot 1 DP 812651 and identified as “Area N” on the Additional Permitted Uses Map.*
- (2) *Development for the purposes of a recreation facility (indoor) is permitted with development consent.*

The PP will also amend the Additional Permitted Uses Map to identify the subject property as “Area N”.

## Part 3 – Justification

### Section A – Need for the planning proposal

**Q1** *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

No. The PP is a landowner-initiated proposal.

**Q2** *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The subject property is part of a larger Strategic Urban Growth Area, identified as having some longer-term potential for urban development. Changing the existing RU2 zoning of the subject property is therefore considered premature in that it could potentially impact future urban investigations for the wider area.

Facilitating the use by way of an Additional Permitted Use amendment will achieve the desired outcome without prejudicing future investigations.

### Section B – Relationship to strategic planning framework

**Q3** *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

North Coast Regional Plan 2041 (NCRP)

The property is located within the Urban Growth Area, identified as being within an Investigation Area – Employment Land. The extent of the investigation area is consistent with the Strategic Urban Growth Area identified in Council’s Strategic documents and mapped in Ballina Local Environmental Plan 2012.

The proposal is consistent with Strategy 11.3 of the North Coast Regional Plan, in that it will provide for additional employment uses within an existing employment centre.

In the context of the Strategic Urban Growth Area, the development of the site as proposed will not prejudice future investigations or future employment uses in the locality.

**Q4** *Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

Ballina Shire Council Community Strategic Plan 2017-2027 (CSP)

The planning proposal is consistent with the Connected Community, Prosperous Economy and Engaged Leadership outcomes contained within Council’s CSP.

Ballina Shire Local Strategic Planning Statement 2020-2040 (LSPS)

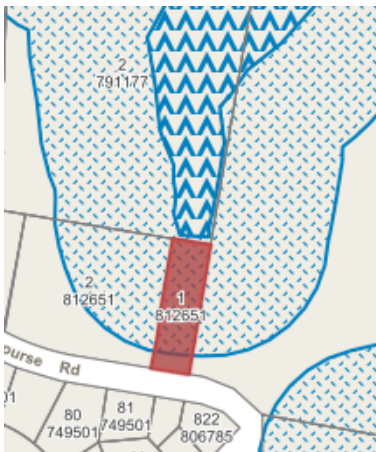
The planning proposal is consistent with the themes and planning priorities contained within the LSPS in that it will provide for additional community facilities and employment to service Ballina’s growing population, within an existing light industrial area.

The property is within a Strategic Urban Growth Area identified for the purposes of the LSPS and the Ballina Local Environmental Plan 2012.



**Figure 4 Strategic Urban Growth Area**

**Q5** *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

| SEPP                             | Comments   |
|----------------------------------|--|
| SEPP Resilience and Hazards 2021 | <p><b>Chapter 2: Coastal Management</b></p> <p><i>Division 1 Coastal wetlands and littoral rainforests area</i></p> <p>Land immediately north of the subject property is mapped as containing a Coastal Wetland.</p> <p>The majority of the subject property lies, therefore, in an area mapped as land in proximity to coastal wetlands (see Figure 5 below).</p>  <p><b>Figure 5 Coastal Wetland Mapping</b></p> <p>The provisions of Clause 2.8 of the SEPP will apply to a future development application for use of the site.</p> |



| SEPP | Comments   |
|------|--|
|      | <p>It will be possible to manage stormwater flows from any new buildings on the land in a manner that will not significantly impact on the adjoining wetland.</p> <p><i>Division 3 Coastal environment area</i></p> <p>The subject property is mapped within a larger Coastal Environment Area, which encompasses all the flood prone land on Ballina Island.</p> <p>Future development on the land can be designed and constructed in a manner that satisfies the provisions of Clause 2.10 of the SEPP.</p> <p><i>Division 4 Coastal use area</i></p> <p>The subject property is mapped within a larger Coastal Use Area, which encompasses the riparian areas of local waterways.</p> <p>Future development on the land can be designed and constructed in a manner that satisfies the provisions of Clause 2.10 of the SEPP.</p> |
|      | <p><b>Chapter 4 Remediation of land</b></p> <p>A Preliminary Site Investigation Report was submitted in support of the proposal (<b>Appendix 3</b>). That assessment demonstrates that the site is of very low risk in relation to land contamination. It is also noted that the development site will require filling.</p>  |

**Q6 *Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?***

The Planning Directions are addressed in the checklist provided at **Appendix 4**. The proposal is consistent with all applicable directions.

**Section C – Environmental, social and economic impact**

**Q7 *Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The property does not contain any areas of environmental or ecological significance.

**Q8 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

Environmental effects of the development facilitated by this PP can be adequately managed during both construction and operation.

Potential impacts are primarily related to stormwater and soils management. Detailed assessment of potential impacts would be undertaken during a subsequent Development Application stage, but it is considered that conventional management measures will be sufficient to prevent significant impacts.

**Q9 *Has the planning proposal adequately addressed any social and economic effects?***

As above, social and economic aspects/ issues will be subject of assessment through a subsequent Development Application. Preliminary consideration of issues associated with traffic, noise and the potential for land use conflict indicates that potential impacts can be adequately managed or avoided.

A flood impact assessment has been undertaken (**Appendix 3**). The property is located outside of floodway areas and the assessment concludes that the development of the site as proposed, including filling of the land, will not result in significant flood impacts to other properties.

#### **Section D – State and Commonwealth interests**

**Q10** *Is there adequate public infrastructure for the planning proposal?*

The property is adequately serviced to cater for the development proposed.

**Q11** *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

### **Part 4 – Mapping**

As outlined in Part 2, the PP will amend the Additional Permitted Maps – Map Sheet APU\_006C.

A suitable LEP map will be prepared to meet the Department's technical mapping requirements, prior to the finalisation of the PP.

### **Part 5 – Community Consultation**

This proposal will be exhibited in accordance with a Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. It is anticipated that a minimum public notification period of 28 days will be applied to this planning proposal.

### **Part 6 – Timeline**

The proposed timeline for completion of the planning proposal is as follows:

| <b>Plan Making Step</b>                                     | <b>Estimated Completion (Before)</b> |
|---|--------------------------------------|
| Gateway Determination                                       | March 2023                           |
| Government Agency Consultation                              | April 2023                           |
| Public Exhibition Period                                    | April 2023                           |
| Public Hearing  | N/A                                  |
| Submissions Assessment                                      | April - May 2023                     |
| RPA Assessment of Planning Proposal and Exhibition Outcomes | May 2023                             |
| Finalisation and notification of Plan                       | May – July 2023                      |

# Appendix 1 – Council Report

**To be included following Council Meeting**

## Appendix 2 – Gateway Determination

**To be included following issue of Gateway**



## Appendix 3 – Preliminary Site Investigations Report

**Provided under separate cover**

## Appendix 4 – Section 9.1 Direction Checklist

| Section 9.1 Directions Checklist<br>Planning Proposal – Strategic Urban Growth Area Maps |   |
|--|---|
| Direction No.  | Compliance of Planning Proposal   |
| <b>Focus area 1: Planning Systems</b>  |   |
| 1.1 Implementation of Regional Plans   | Consistent<br>The property is within the Urban Growth Area boundary, mapped as an Investigation Area – Employment Lands.<br>The proposed development will not prejudice future expansion of employment uses within this wider investigation area. |
| 1.2 Development of Aboriginal Land Council Land  | Does not apply to planning proposal.  |
| 1.3 Approval and Referral Requirements   | Consistent<br>This planning proposal does not contain provisions requiring concurrence, consultation, or referral of development applications.  |
| 1.4 Site Specific Provisions   | Consistent<br>The PP will allow the recreation facility (indoor) land use to be carried out on the land within the current zoning. No additional development standards are proposed.  |
| <b>Focus area 1: Planning Systems – Place-based</b>                                      |   |
|  | None apply to planning proposal.  |
| <b>Focus area 2: Design and Place</b>  |   |
|  | No applicable Directions.   |
| <b>Focus area 3: Biodiversity and Conservation</b>                                       |   |
| 3.1 Conservation Zones   | Consistent<br>The property does not contain any environmentally sensitive areas.  |
| 3.2 Heritage Conservation  | Consistent<br>The property is not known to contain areas of heritage significance.  |
| 3.3 Sydney Drinking Water Catchments   | Does not apply to planning proposal.  |
| 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs    | Does not apply to planning proposal.  |
| 3.5 Recreation Vehicle Areas   | Does not apply to planning proposal.  |
| 3.6 Strategic Conservation Zoning  | Does not apply to planning proposal.  |
| 3.7 Public Bushland  | Does not apply in Ballina Shire.  |
| 3.8 Willandra Lakes Region   | Does not apply in Ballina Shire.  |
| 3.9 Sydney Harbour Foreshores and Waterways Area   | Does not apply in Ballina Shire.  |
| 3.10 Water Catchment Protection  | The property is not located within a regulated catchment.   |

| Section 9.1 Directions Checklist<br>Planning Proposal – Strategic Urban Growth Area Maps |  |
|--|--|
| Direction No.  | Compliance of Planning Proposal  |
| <b>Focus area 4: Resilience and Hazards</b>  |  |
| 4.1 Flooding   | Consistent<br>A flood impact assessment has been undertaken ( <b>Appendix 5</b> ). The property is located outside of floodway areas and the assessment concludes that the development of the site as proposed, including filling of the land, will not result in significant flood impacts to other properties. |
| 4.2 Coastal Management   | Consistent<br>The property is not located in a coastal vulnerability area. It is located adjacent to a Coastal Wetland. Management of stormwater can be designed to ensure that development will not have any direct or indirect impacts on the adjoining wetland.   |
| 4.3 Planning for Bushfire Protection   | Does not apply as the PP will not affect any land mapped as bushfire prone land.   |
| 4.4 Remediation of Contaminated Land   | Consistent<br>A preliminary site assessment confirms that the property has a low risk of soil contamination.   |
| 4.5 Acid Sulfate Soils   | Consistent.<br>The site is mapped as containing Class 2 Acid Sulfate Soils. The proposed development will require filling of the land, which will ensure that potential acid sulfate soils are not disturbed.  |
| 4.6 Mine Subsidence and Unstable Land  | Does not apply to planning proposal.   |
| <b>Focus area 5: Transport and Infrastructure</b>  |  |
| 5.1 Integrating Land Use and Transport   | Consistent<br>The property is located within an existing urban area where transport options are available.   |
| 5.2 Reserving Land for Public Purposes   | Does not apply as the planning proposal will not propose or affect any reservations of land for public purposes.   |
| 5.3 Development Near regulated Airports and Defence Airfields                            | Consistent<br>The property is within an existing light industrial area near the Ballina Byron Gateway Airport. The proposed development will not generate any impacts relating to use of that airport.   |
| 5.4 Shooting Ranges  | Does not apply to planning proposal.   |
| <b>Focus area 6: Housing</b>   |  |
| 6.1 Residential Zones  | Does not apply to the planning proposal.   |
| 6.2 Caravan Parks and Manufactured Home Estates  | Does not apply to the planning proposal.   |
| <b>Focus area 7: Industry and Employment</b>   |  |
| 7.1 Business and Industrial Zones  | Does not apply as the planning proposal does not affect an existing or proposed business or industrial zone. Notwithstanding this, the proposal will provide for a use consistent with such zoning.  |
| 7.2 Reduction in Non-hosted Short-term Rental Accommodation Period                       | Does not apply to planning proposal.   |

| Section 9.1 Directions Checklist<br>Planning Proposal – Strategic Urban Growth Area Maps |   |
|--|---|
| Direction No.  | Compliance of Planning Proposal   |
| 7.3 Commercial and Retail Development along the Pacific Highway, North Coast             | Does not apply to planning proposal.  |
| <b>Focus area 8: Resources and Energy</b>  |   |
| 8.1 Mining, Petroleum Production and Extractive Industries                               | Does not apply to planning proposal.  |
| <b>Focus area 9: Primary Production</b>  |   |
| 9.1 Rural Zones  | Consistent<br>The planning proposal does not seek to rezone land.   |
| 9.2 Rural Lands  | Consistent<br>The planning proposal is consistent with the North Coast Regional Plan 2041 and Council's LSPS. |
| 9.3 Oyster Aquaculture   | Does not apply to planning proposal.  |
| 9.4 Farmland of State and Regional Significance on the NSW Far Coast                     | Does not apply to the planning proposal.  |



## Appendix 5 – Flood Impact Assessment

**Provided under separate cover**